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VIA CM/ECF

The Honorable LaShann DeArcy Hall
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East, Courtroom 4H North
Brooklyn, New York 11201

Re: *Hall et al. v. Nassau County et al.*, No. 19 Civ. 00893 (LDH/CLP)

Dear Judge DeArcy Hall:

We represent Plaintiffs and the proposed class in the above-referenced action. We write respectfully to clarify a misrepresentation in Defendants' Reply Memorandum of Law in Further Support of Motion to Dismiss Class Action Complaint [ECF No. 34], regarding an argument raised in Plaintiffs' opposition brief [ECF No. 31].

With respect to the issue of federal-state comity, Defendants' argue: "Astoundingly, nowhere in Plaintiffs' extensive discussion about comity do they reference *McNary*, the key Supreme Court decision addressing the tension between the principles of comity and the federal court's desire to adjudicate claims alleging discrimination by the government." *See* Def. Rep. Br. at 10. This is incorrect. In their comity analysis, Plaintiffs specifically state that *Fair Assessment in Real Estate Ass'n, Inc. v. McNary*, 454 U.S. 100 (1981) is inapt because it had nothing to do with discrimination based on a suspect classification giving rise to heightened judicial scrutiny. *See* P. Opp. Br. at 26 & n.14.¹ We thank the Court for its consideration of this letter in advance of oral argument on Defendants' motion to dismiss.

Respectfully submitted,

/s/ Andrew M. McNeela
Andrew M. McNeela

cc: All counsel of record via CM/ECF

¹ Plaintiffs are mindful of the general rule against sur-reply briefs, and therefore do not raise any new arguments, but instead confine their letter solely to identifying arguments Plaintiffs already raised.